

PUBLIC PROSECUTOR VS- BRUNO NICHOLAS

Coram: *Mr. Justice Oliver A. Saksak*

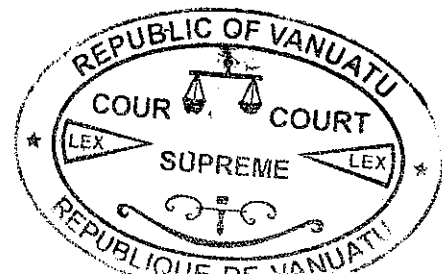
Counsel: *Micheline Tasso for Public Prosecutor*
Lorenzo Moli for the Defendant

Date of Plea: *3rd April 2018*

Date of Sentence: *22nd May 2018*

SENTENCE

1. Bruno Nicholas, you are for sentence today for having pleaded guilty to one count of possession of 1.88 grams of cannabis contrary to section 2 (62) of the Dangerous Drugs Act [Cap.12].
2. The maximum punishment for this offence is a fine up to VT 100 million or 20 years imprisonment or to both.
3. On 4th August 2013 you were drunk and was wanting to burn down some houses at Melemaat Village area. The police were called and attended the scene and found you dead drunk. They arrested you and took you to the Police station where they searched on your body. They found 1.88 grams of cannabis in your pocket.
4. On 4th August 2013 when you gave a statement under caution you admitted the cannabis was yours and that you had bought it for VT 500 from a man from Tanna.
5. Possession of cannabis of any quantity is against the law and offenders who break the law must be punished in order to-
 - a) Mark the seriousness of the offence,
 - b) Mark the Court's condemnation of your action,
 - c) Deter you and others,
 - d) Protect the community, and
 - e) Punish you adequately.
6. I have to assess your appropriate punishment based on the circumstances of your case. I have been assisted by the pre-sentence report from Probation service. And I have had benefit of reading the submissions of the Prosecution and those filed by the Public Solicitor's Office on your behalf.



7. The sentencing principles the Court must adopt and apply are well established in the Court of Appeal case of Naio.v. PP [1998] VUCA 1.
8. Your case differs from the cases of PP.v. Stephen Sarbro Thuha [2017] VUSC 821, PP.v. Joyceline Johnson [2009] VUSC and PP.v. Andrew Tom [2011] VUSC 109 in that the quantity of cannabis in those cases were more than the quantity found on your person. However your case falls close to that of PP.v. Fati Jimmy, only marginally higher. The weight of cannabis in that case was 1.37 and the Court sentenced the offender to 12 months imprisonment suspended for 2 years with 50 hours of community work.
9. I consider that your starting sentence shall be 16 months imprisonment. I therefore convict you and sentence you accordingly. I deduct 4 months for your clean past record, your pre-custodial period, the delay in bringing the matter to Court earlier, and good cooperation with the police. The balance is therefore 12 months imprisonment.
10. I deduct a further 1/3 for your guilty plea, leaving the end sentence at 8 months imprisonment. I order that your end sentence of 8 months imprisonment be suspended for a period of 2 years on good behaviour. In addition I sentence you to perform community work for 60 hours. You must perform these within 12 months from the date of this sentence.
11. That is the sentence of the Court. You may wish to appeal against this sentence in which case you have 14 days in which to do so.

DATED at Port Vila this 22nd day of May 2018

BY THE COURT


OLIVER.A.SAKSAK

Judge

